

TOM DAVIS, VIRGINIA,
CHAIRMAN

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MC HUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
STEVEN C. LATOURETTE, OHIO
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE
JOHN SULLIVAN, OKLAHOMA
NATHAN DEAL, GEORGIA
CANDICE MILLER, MICHIGAN
TIM MURPHY, PENNSYLVANIA
MICHAEL R. TURNER, OHIO
JOHN R. CARTER, TEXAS
WILLIAM J. JANKLOW, SOUTH DAKOTA
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051
TTY (202) 225-6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
CHRIS VAN HOLLEN, MARYLAND
LINDA T. SANCHEZ, CALIFORNIA
C.A. DUTCH RUPPERSBERGER,
MARYLAND
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JIM COOPER, TENNESSEE
CHRIS BELL, TEXAS

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 19, 2003

The Honorable John W. Warner
Chairman
Committee on Armed Services
U.S. Senate
Washington, DC 20510-6050

The Honorable Carl Levin
Ranking Minority Member
Committee on Armed Services
U.S. Senate
Washington, DC 20510-6050

Dear Mr. Chairman and Senator Levin:

We are writing about what seem to be serious misstatements of fact made before the Senate Armed Services Committee yesterday during your hearing on the proposed missile defense system being pursued by the Bush Administration. In an extremely disturbing trend, senior Bush Administration officials appear to be making false public claims regarding critical national security issues — claims that are contradicted by the Administration's own intelligence and military officials.

This morning, the *Los Angeles Times* reported that Under Secretary of Defense Edward C. "Pete" Aldridge Jr., the Defense Department's top weapons acquisition official, testified under oath before your Committee that by 2004, the Bush Administration's proposed missile defense system will be "90%" effective in intercepting missiles fired from the Korean peninsula.¹ This statement is not supported by any publicly available evidence, and it appears not to comport with the Pentagon's own classified estimates.

¹U.S. Claims 90% Hit Rate in Missile Plan, *Los Angeles Times* (Mar. 19, 2003).

The Honorable John W. Warner
The Honorable Carl Levin
March 19, 2003
Page 2

Based on the available unclassified information, Under Secretary Aldridge's statement is not credible. As you know, President Bush announced his plans to deploy a functioning missile defense system by 2004. The technical challenges of this goal are daunting, and the Pentagon's own independent test evaluators at the Office of Operational Test and Evaluation have raised serious concerns about the program for many years. At the time this system is planned to be operational in 2004, it will not have had a single integrated flight test with all of the components of the system; it will not have had a single flight test at night or in inclement weather; it will not have had a single flight test against some very simple countermeasures or decoys, such as "tumbling RVs"; and it will not have had a single flight test against multiple incoming warheads, which are expected to be the norm. To date, there has not been a single flight test that did not rely on a beacon and global positioning system technology, which will not be available in an actual engagement. For Under Secretary Aldridge to make a claim of 90% effectiveness under these circumstances is simply reckless.

Aside from these issues, however, Under Secretary Aldridge's claim appears to directly contradict the Defense Department's own classified information. Two weeks ago, our staff received a briefing from the U.S. General Accounting Office about exactly this issue: the planned and potential capabilities by 2004 of the proposed missile defense system. This briefing was classified, and GAO provided secret information conveyed by the Department of Defense.

One of the documents provided to GAO by the Pentagon was titled, "BMDS [Ballistic Missile Defense System] Statement of Goals; Block 04 System Architecture." The unclassified portion of this document includes a section on "metrics" for both long-range and intermediate range missiles in the system. Within this section, there is a specific metric called "P_{ES}" or "probability of engagement success." This metric provides specific classified numbers indicating a range of probable success for the missile defense system. The classified information within this section does not appear to comport with Under Secretary Aldridge's claim of 90%.

It was especially surprising that Under Secretary Aldridge insisted on his claim even after being reminded of this classified information. According to the *Los Angeles Times*, Senator Levin suggested to Under Secretary Aldridge that he "go back and check the classified numbers" and that he might "want to correct the record after [he] read the classified numbers."² Despite these exhortations, Under Secretary Aldridge persisted in the following exchange:

Senator Bayh:

[With] the possibility of the North Koreans hitting Los Angeles or San Francisco with a nuclear warhead, you are advising [the president] that we would have a 90% chance

²*Id.*

The Honorable John W. Warner
The Honorable Carl Levin
March 19, 2003
Page 3

of taking that down? . . . If millions of lives depend on it,
that's your answer?

Under Secretary Aldridge: Yes, sir.³

These statements by Under Secretary Aldridge raise a host of issues. If it is true that Under Secretary Aldridge made his public statements to a Senate Committee knowing that the Defense Department's actual estimates were in fact much lower, this action could implicate our criminal laws. If he did not knowingly mislead Congress, he owes the Committee and the American people an explanation as to how he arrived at one number while his experts at the Department arrived at another. If he was not aware of the classified estimates when he made his statements, this would represent a serious lapse in competence.

Under Secretary Aldridge's statement also raises other issues. Since he provided the Committee with a specific number during the public session of the hearing, does this signify a determination on the part of the Defense Department that this information has been declassified? If not, did the Under Secretary violate classification regulations by making his statement yesterday? Has the classified Pentagon document described above and provided to GAO also been declassified? If not, why not?

Unfortunately, this incident appears to be part of a growing trend in which senior-level Bush Administration officials have made rosy public statements about national security which are then demonstrated to be directly contradicted by the Administration's own intelligence and defense experts. For example, despite numerous statements by Bush Administration officials that our troops in the Persian Gulf are prepared to respond to a chemical or biological attack, the Department's own auditors have concluded that there are serious deficiencies in the amount of necessary equipment and training. Indeed, Defense Secretary Donald Rumsfeld recently refused to certify to Congress that troops deployed to Iraq have been supplied with enough chem/bio equipment to meet minimum levels established by the Pentagon itself.

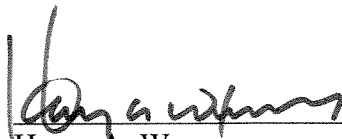
In another example, it has become clear that a key part of the Bush Administration's case against Iraq — evidence that indicated that Iraq sought to obtain nuclear materials from the African country of Niger — was not regarded as credible by the CIA. Despite the CIA's misgivings, President Bush cited the evidence, which has now been proved to be fake, in his 2003 State of the Union address, and the State Department relied heavily on the evidence in responding to Iraq's weapons declaration. Enclosed is a copy of the letter Rep. Waxman sent to President Bush about this issue earlier this week.

³*Id.*

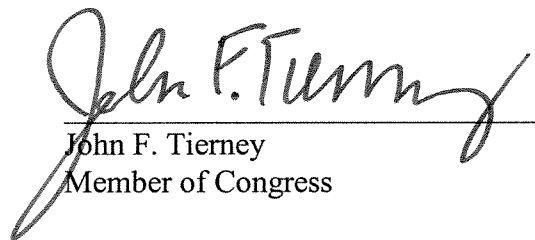
The Honorable John W. Warner
The Honorable Carl Levin
March 19, 2003
Page 4

We hope you will agree that these matters are extremely grave and deserve the highest scrutiny. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Henry A. Waxman", written over a horizontal line.

Henry A. Waxman
Ranking Minority Member

A handwritten signature in dark ink, appearing to read "John F. Tierney", written over a horizontal line.

John F. Tierney
Member of Congress